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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,729	02/18/2004	Yasumasa Morimoto	60866 (48882)	3394
21874	7590	11/15/2006		
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205				
			EXAMINER MORRISON, THOMAS A	
			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,729

Applicant(s)

MORIMOTO ET AL.

Examiner

Thomas A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6 and 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: (1) claim 3 recites "when, during..." It appears that "**when**," before "during" in line 2 of claim 3 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the stopping member" in lines 19 and 20. There is insufficient antecedent basis for this limitation in the claim. One solution would be to change all instances of "stopping member" to -- stopper member --.

Claim 7 recites the limitation "the stopping member" in lines 25 and 26. There is insufficient antecedent basis for this limitation in the claim. One solution would be to change all instances of "stopping member" to -- stopper member --.

Claim 7 recites the limitation "the outer casing" in lines 25 and 26. There is insufficient antecedent basis for this limitation in the claim. One solution would be to change all instances of "outer casing" to -- outer casing member --.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 7, as best understood, is rejected under 35 U.S.C. 102(a) as being anticipated by applicant's admitted prior art FIGS. 21-25 of the instant application.

Regarding claim 7, Figs. 21-25 show an original transport apparatus automatically taking up one or more originals (11) one sheet at a time from a loading tray (10) and transporting the sheet (11) toward a transport path, the apparatus including

a tray (10) for loading the originals (11), the tray (10) being inclined downward and having a lower tip region (near 4);

an outer casing member (1) arranged above the lower tip region (near 4);

a first shaft (2) positioned perpendicular to a direction of sheet transport;

the outer casing member (1) disposed so as to permit opening and closing about the first shaft (2);

a stopper member (4) positioned in the lower tip region (near 4) of the tray (10) against which the originals (11) can abut and align prior to transport;

an engagement piece (9) disposed in the outer casing member (1) on a second shaft (9c) positioned perpendicular to the direction of sheet transport so as to permit independent pivotal displacement thereof;

the stopper member (4) being positioned on a third shaft (3), which is positioned perpendicular to the direction of sheet transport, so as to permit pivotal displacement thereof, the stopper member (4) causing a lead edge of the sheet (11) to stop at a prescribed location (Fig. 21);

the engagement piece (9) being capable of engaging with the stopper member (4);

a pickup arm (6) disposed in the outer casing member (1) so as to permit displacement in pivoting fashion about an axis (5) located in a direction perpendicular to the sheet transport direction;

the pickup arm (6) having two ends, a pickup roller (R1) for taking up the sheet (11) from the tray (10) being positioned at one end and a thrust member (6b) at the other end for engaging the engagement piece (9);

a lifting member (i.e., c-shaped member connecting stopper (4) to shaft (3)) supported by the outer casing (1) and attached to the stopping member (4) to permit the stopping member (4) to move vertically (i.e., swing upward from the position of stopping member (4) shown in Fig. 21 to the position of stopping member (4) shown in Fig. 22) in the outer casing (1) when abutting a sheet;

wherein, when the outer casing member (1) is closed and the apparatus is in an original takeup standby state (Fig. 21), the fact that the pickup roller (R1) is positioned in an upper region within the outer casing member (1), thereby preventing engagement of the thrust member (6b) with the engagement piece (9), causes engagement to be retained between the stopper member (4) and the engagement piece (9), constraining a location of the lead edge of the sheet (11) and preventing entry of the sheet (11) into the transport path; and

wherein, when the outer casing member (1) is closed and takeup of the sheet (11) is proceeding (Fig. 22), the pickup arm (6) is displaced downward to cause the pickup roller (R1) to move downward and away from the outer casing member (1) so as to not be hidden thereby, and linked with the downward displacement of the pickup arm (6) causing engagement of the thrust member (6b) with the engagement piece (9), the engagement piece (9) is displaced in pivoting fashion, thereby disengaging engagement between the engagement piece (9) and the stopper member (4), permitting pivoting displacement of the stopper member (4) and allowing transport of the sheet.

4. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 20020074711 (Higaki).

Regarding claim 1, Figs. 1-7 show an original transport apparatus automatically taking up one or more originals (Fig. 4(a)) one sheet at a time from a loading tray (including 15 in Fig. 4a and 15 in Fig. 1) and transporting the sheet toward a transport path, the apparatus including

a tray (including 15 in Fig. 4a and 15 in Fig. 1) for loading the originals, the tray (including 15 in Fig. 4a and 15 in Fig. 1) being inclined downward and having a lower tip region (near 15 in Fig. 4(a));

an outer casing member (10a) arranged above the lower tip region (near 15 in Fig. 4(a));

a first shaft (10c) positioned perpendicular to a direction of sheet transport;

the outer casing member (10a) disposed so as to permit opening and closing about the first shaft (10c)(see, e.g., Fig. 7);

a stopper member (60) positioned in the lower tip region (near 15 in Fig. 4(a)) of the tray against which the originals can abut and align prior to transport;

an engagement piece (61) disposed in the outer casing member (10a) on a second shaft (18b) positioned perpendicular to the direction of sheet transport so as to permit independent pivotal displacement thereof;

the stopper member (60) being positioned on a third shaft (60a), which is positioned perpendicular to the direction of sheet transport, so as to permit pivotal displacement thereof, the stopper member (60) causing a lead edge of the sheet to stop at a prescribed location (Fig. 4(a));

the engagement piece (61) being capable of engaging with the stopper member (60);

a lifting member (i.e., unnumbered tab to the right of shaft (60a) in Figs. 4(a)-4(d)) supported by the outer casing (10a) and attached to the stopping member (60) to permit the stopping member (60) to move vertically (i.e., swing upward from the position of stopping member (60) shown in Fig. 4(b) to the position of stopping member (60) shown in Fig. 4(c)) in the outer casing (10a) when abutting a sheet;

wherein, when the outer casing member (10a) is closed and the apparatus is in an original takeup standby state (Fig. 4(a)), engagement of the stopper member (60) by the engagement piece (61) causes the stopper member (60) to be retained in a position in which the stopper member (60) stops the lead edge of the sheet at the prescribed location (Fig. 4(a)), thereby constraining the lead edge at the prescribed location and preventing entry of the sheet into the transport path; and

wherein, when the outer casing member (10a) is closed and takeup of the sheet is proceeding (Fig. 4(c)), the engagement piece (61) is displaced in pivoting fashion, thereby disengaging engagement between the engagement piece (61) and the stopper member (60), permitting pivoting displacement of the stopper member (60) and allowing transport of the sheet.

Response to Arguments

5. Applicant's arguments filed 09/27/2006 have been fully considered but they are not persuasive. Applicant argues

As recited in the present claims, the transport apparatus of the present invention provides a lifting member supported by the outer casing and attached to the stopping member to permit the stopping member to move

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vertically in the outer casing when abutting a sheet and, thus, does not force its way past the originals.

Therefore, the presently claimed invention is not anticipated by the apparatus of FIGS. 21-25. Further, the present invention would not have been obvious to one of ordinary skill in the art in view of apparatus of FIGS. 21-25.

In response, claim 7 of the instant application recites, "a lifting member supported by the outer casing and attached to the stopping member to permit the stopping member to move vertically in the outer casing when abutting a sheet". (emphasis added). This lifting member limitation is met by the c-shaped member connecting stopper (4) to shaft (3) as shown in Figs. 21-25. Such c-shaped member permits the stopping member to move vertically, as claimed in claim 7. See also numbered paragraph [0021] of the background section of the instant application explaining the sheet abutment and movement of the stopping member.

Next, applicant argues that

Higaki also fails to teach or suggest at least a lifting member supported by the outer casing and attached to the stopping member to permit the stopping member to move vertically in the outer casing when abutting a sheet and, thus, does not force its way past the originals, as claimed herein.

In response, claim 1 of the instant application recites, "a lifting member supported by the outer casing and attached to the stopping member to permit the stopping member to move vertically in the outer casing when abutting a sheet". (emphasis added). This lifting member limitation is met by the unnumbered tab to the right of shaft (60a) in Figs. 4(a)-4(d) of Higaki, which permits the stopping member (60) to move vertically, as claimed. Sheet abutment occurs, e.g., during movement of the sheet from its position in Fig. 4(c) to its position in Fig. 4(d), which abuts and vertically moves

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stopping member (60). Alternatively, sheet abutment occurs in Fig. 4(b) and the stopping member (60) is permitted to move vertically via the element (62) as shown in Fig. 4(c), which meets the limitations of claim 1.

Allowable Subject Matter

6. Claims 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claim 3 also needs to be amended to overcome the objection outlined above.

Conclusion

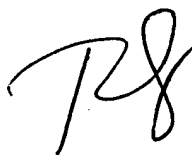
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/10/2006



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